

Translation

PATENT COOPERATION TREAT



PCT

521834

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference JSL/BR 60750	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)							
International application No. PCT/FR2003/001980	International filing date (day/m 26 juin 2003 (26.06.							
International Patent Classification (IPC) or n B60J 7/20	lational classification and IPC							
Applicant	FRANCE DESIG	GN						
 This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. This REPORT consists of a total of5 sheets, including this cover sheet. This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). 								
These annexes consist of a total of sheets.								
3. This report contains indications relating to the following items: I Basis of the report II Priority III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV Lack of unity of invention V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI Certain documents cited VII Certain defects in the international application VIII Certain observations on the international application								
Date of submission of the demand	Date of	Date of completion of this report						
02 février 2004 (02.02.	2004)	17 May 2004 (17.05.2004)						
Name and mailing address of the IPEA/EP	Authori	Authorized officer						
Facsimile No.	Telepho	Telephone No.						



International application No.

PCT/FR2003/001980

I. Basis	of the	report						
1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):								
		the international application as originally filed.						
		the description,	pages	1-12	, as originally filed,			
			pages		, filed with the demand,			
			pages		, filed with the letter of,			
			pages		, filed with the letter of			
	\boxtimes	the claims,	Nos.	1-10	_, as originally filed,			
		,			, as amended under Article 19,			
					_ , filed with the demand,			
					, filed with the letter of,			
			Nos		, filed with the letter of			
	\square	the drawings,	sheets/fig	1/4-4/4	_ , as originally filed,			
l		,			, filed with the demand,			
					, filed with the letter of,			
					, filed with the letter of			
2. The a	mendr	ments have resulte	ed in the cancella	tion of:				
	П	the description,						
		the claims,	Nos.					
		the drawings,	sheets/fig					
	ш	me drawings,	sheets/fig					
3.	This	report has been e	stablished as if (s	ome of) the am	endments had not been made, since they have been considered			
	to go	beyond the discle	osure as filed, as	indicated in the	e Supplemental Box (Rule 70.2(c)).			
4. Addit	ional (observations, if ne	ecessary:					
			-					
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT



v.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement.							
1.	Statement							
	Novelty (N)	Claims	1-10	YES				
		Claims		NO				
	Inventive step (IS)	Claims	1-10	YES				
		Claims		NO				
	Industrial applicability (IA)	Claims	1-10	YES				
		Claims		NO				

2. Citations and explanations

Reference is made to the following documents:

D1: DE 195 42 906 C (BAYERISCHE MOTOREN WERKE AG) 14 November 1996 (1996-11-14)

D2: DE 198 34 850 A (DAIMLER CHRYSLER AG) 10 February 2000 (2000-02-10)

D3: EP-A-0 860 312 (BAYERISCHE MOTOREN WERKE AG) 26 August 1998 (1998-08-26)

D4 was not cited in the international search report. A copy of said document is attached.

D4: DE 43 30 411

V.2.1 Independent claim 1

V.2.1.1 Novelty

- D2, which is considered to be the prior art closest to the subject matter of claim 1, describes
- a protective device with a panel forming the vertical limit between a region of the boot for receiving the roof and a second region for receiving

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

objects.

The subject matter of claim 1 differs from this known protective device in that:

- the panel interacts with a first sensor, thereby enabling the roof to be folded, and with a second sensor, thereby enabling the boot to be closed.

Consequently, the present application appears to satisfy the requirement of PCT Article 33(2), since the subject matter of claim 1 is novel over the prior art as defined in the Regulations (PCT Rule 64(1) to (3)).

V.2.1.2 Inventive step

The problem that the present invention is intended to solve can be considered to be that of enabling the objects placed in the boot of a vehicle with a folding roof to be protected during automatic closure of the boot.

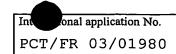
D2 is considered to be the prior art closest to the subject matter of claim 1.

D4 describes a single sensor (Kontaktschalter 8) to prevent damage to the roof.

However, to prevent damage to the objects placed in the boot, a person skilled in the art would not fit the panel of D2 with a second sensor without an inventive step being involved.

Consequently, the solution proposed in claim 1 of the present application appears to satisfy the requirement of PCT Article 33(3).

INTERNATIONAL PRELIMINARY EXAMINATION REPORT



V.2.1.3 Dependent claims 2 to 10

Since claims 2 to 10 are dependent on claim 1 and contain alterations or improvements to the invention according to claim 1, they appear to meet the requirements of PCT Article 33(2) to (4).